

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDSEY CLEMENT, EMERALD CLEMENT,
ANDERSON CLEMENT, ANSELM LEE
CLEMENT, AND LISA BEGAY

Plaintiffs,

vs.

No. CIV-05-0590 JB/RLP

MOUNTAIN STATES LOGISTICS, ELISHA
GILBOA, Individually and d/b/a Mountain States
Logistics, CHRIS HOBECK, Individually and d/b/a
Mountain States Logistics, ALFRED TRUJILLO,
Individually and d/b/a Mountain States Logistics,
ERIC CHAVEZ, and LAZARO HERNANDEZ,
and NICA, INC.,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendants Mountain States Logistics, Gilboa, Trujillo, Obek and Chavez' Motion for Extension of Time to File Answers to Discovery, filed January 18, 2006 (Doc. 49). The Court held a hearing on this motion on February 28, 2006. The primary issue is whether the Court should grant Defendants Mountain States Logistics, Elisha Gilboa, Alfred Trujillo, Chris Obek and Eric Chavez ("MLS Defendants") an extension of time to file their responses to the Plaintiffs' First set of Interrogatories and First Request for Production. Consistent with the Court's ruling at the hearing on this motion, and for the reasons given at the time of the hearing, the Court will grant the MLS Defendants' motion and will grant the MLS Defendants an extension of time until February 17, 2006 to file their responses to the Plaintiffs' First set of Interrogatories and First Request for Production.

PROCEDURAL BACKGROUND

The MLS Defendants represent that Gilboa is the owner of Mountain States. See Defendants Mountain States Logistics, Gilboa, Trujillo, Obek and Chavez' Reply to Plaintiffs' Response to Defendants' Motion for Extension of Time to File Answers to Discovery ("Reply") ¶ 3, at 2, filed February 17, 2006 (Doc. 69). These five Defendants are in California, Texas, Arizona, and New Mexico. See Defendants Mountain States Logistics, Gilboa, Trujillo, Obek and Chavez' Motion for Extension of Time to File Answers to Discovery ("Motion for Extension of Time") ¶ 2, at 2. On December 8, 2005, these five Defendants' counsel filed a Notice of Unavailability with the Court and served the Notice on the Plaintiffs. See Notice of Unavailability at 1-2 (Doc. 33)

The MLS Defendants assert that the Plaintiffs served a total of five sets of interrogatories and five sets of Requests for Production on these five Defendants. See id. ¶ at 1. This package of discovery -- approximately one-half inch thick -- arrived at defense counsel's office on the first day of his vacation, and the responses to this discovery were due on January 17, 2006. See id. ¶ 1-2, at 1.

The five Defendants represent that Gilboa was unavailable to answer interrogatories or produce requested documents on behalf of Mountain States or himself as an individual Defendant, because he had been in Israel for much of the time since December 19, 2005. See id. ¶ 3, at 2. He returned to the United States on January 13, 2006 -- only a few days before the MLS Defendants filed this motion. See id. The MLS Defendants move for an extension of the deadline for responses to the Plaintiffs' First Interrogatories and Requests for Production. See id. at 1.

ANALYSIS

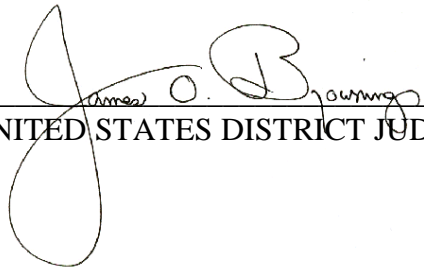
The Court has reviewed the discovery that the Plaintiffs have served on these five Defendants.

This discovery is broad and comprehensive. There is no apparent limit on the persons, place, or time for much of the information sought. These five Defendants represent that the discovery will require many hours of time to adequately respond to these discovery requests. See Motion for Extension of Time ¶ 2, at 1-2; Reply ¶ 2, at 2.

These five Defendants also represent that time has not been available in the limited days since counsel has returned to his office. See Motion for Extension of Time ¶¶ 2-3, at 1-2. The location of these five Defendants compounds the time problem. The five Defendants further represent that Gilboa is the central source of information for many, if not most, of the discovery responses. See id. ¶ 3, at 2.

The five Defendants' counsel represents that he is collecting answers to interrogatories and documents to produce from multiple parties in multiple states. See id. ¶ 4, at 2. He further states that the collection and compilation of this discovery is complex and requires additional time, because the parties' interests are interrelated and dependant on each other. See id. The five Defendants represent that the Plaintiffs' discovery requests require research into archived files for the requested information that is predominately in Gilboa's custody, who was unavailable. See id. ¶ 5, at 2; Interrogatories to Defendant Elisha Gilboa Nos. 5, 10; Interrogatories to Defendant Mountain States Nos. 12 and 22, and Request for Production of Documents to Defendant Mountain States Nos. 7, 8, 13, 14, 15, 18, and 20; Interrogatories to Defendant Alfred Trujillo Nos. 5, 10, and 14.

IT IS ORDERED that the Defendants Mountain States Logistics, Gilboa, Trujillo, Obek and Chavez' Motion for Extension of Time to File Answers to Discovery is granted. The Court will grant the Defendants an extension of time until February 17, 2006 to file their responses to the Plaintiffs' First set of Interrogatories and First Request for Production.



UNITED STATES DISTRICT JUDGE

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